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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/542,413	04/04/2000	Gurpreet Ahluwalia	200-0062	5672

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EXAMINER

ROBINSON BOYCE, AKIBA K

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 01/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/542,413

Applicant(s)

AHLUWALIA, GURPREET

Examiner

Akiba K Robinson-Boyce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/4/00.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 April 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2, 7. 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. Due to communications filed 4/4/00, the following is a first action and has been examined on the merits. The following action is non-final. Claims 1-41 are pending in this application and are rejected as follows.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to a non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of :

(1) whether the invention is within the technological arts; and

(2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful art" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For a process claim, the recited process must somehow apply, involve, use, or advance the technological arts.

Additionally, for a claimed invention to be statutory, the claimed invention must produce a useful, concrete, and tangible result.

In the present case, claim 1 is directed to an online system for generating reports related to consumer product online orders. Claim 1 recites the steps of "at least one presentation application operable to capture user online session data including a presentation application identifier, session identifier, user data, user click stream data, and product configurations selected by the user, and generate a session report message incorporating the user online session data", "a web server in communication with the presentation application and operable to receive the session report message", "a report processor operable to receive the session report message, and storing the user online session data in a report database". These steps do not produce a useful, concrete, and tangible result since there is no additional step that further processes the information stored in the report database, thereby creating some means that a user can physically manipulate. Since these means do not exist, claim 1 and all claims that depend from it (claims 2-13) are therefore non-statutory.

In the present case, claim 14 is directed to a method of processing and storing data associated with online orders for consumer products having particular product configurations. Claim 14 recites the steps of "capturing an online order containing at least one product identifier and at least one product configuration submitted by an online customer", "capturing click stream data generated during an online session during which the online customer submitted the online order", "storing the online order and click stream data in a report database". These steps do not produce a useful,

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concrete, and tangible result since there is no additional step that further processes the information stored in the report database, thereby creating some means that a user can physically manipulate. Since these means do not exist, claim 14 and all claims that depend from it (claims 15-28) are therefore non-statutory.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3-5, 8, 14-20, 29-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cathey et al (US 5,778,182).

As per claim 1, Cathey et al discloses:

At least one presentation application operable to capture user online session data, (Col. 11, lines 51-52, [usage processing system coupled to the usage reporter represent the presentation application], including a presentation application identifier, (Abstract, lines 6-8, [domain identifier]), a session identifier, (Col. 5, lines 55-59, [unique ID for a place within a domain]), user data, (Col. 5, lines 49-51, [consumer ID]), user click stream data, (Col. 3, lines 26-40, [tracking usage of each domain]), and product configurations selected by the user, (Col. 5, lines 60-67, [Entry method, e.g. Remote control, control mouse device, etc]), and generate a session report message incorporating the user online session data, (Col. 11, line 51-57, [reports usage]);

A web server in communication with the presentation application and operable to receive the session report message, (Col. 3, lines 53-57, [output signals being coupled to an on-line teleprocessing gateway where the on-line teleprocessing gateway makes having a web server obvious since once the output signals are coupled on-line, a web server is needed to access all files necessary on-line]);

A report processor operable to receive the session report message, and storing the user online session data in a report database, (Col. 4, lines 33-36, [storing in usage processor database]).

It would have been obvious to one of ordinary skill in the art to incorporate a web server in communication with the presentation application and operable to receive the session report message with the motivation of having the proper hardware necessary to communicate the data in the report on-line.

As per claim 3, Cathey et al discloses:

wherein the session report message further comprises session start date and time, session end date and time, (Col. 11, lines 37-41, [start/stop flag indicating time] w/ Col. 5, lines 40-41, [Dttm {representing date and time}], and entry and exit web pages,

As per claim 4, Cathey et al discloses:

wherein the session report message further comprises a user identifier, (col. 5, lines 49-51, [consumer ID]).

As per claim 5, Cathey et al discloses:

wherein the session report message further comprises a configuration identifier assigned to each user-selected product configuration, (Col. 5, lines 60-67, ["0", "1", "2"]).

As per claim 8, Cathey et al discloses:

further comprising a workflow manager operable to receive order messages related to the placement of online orders for the products, and to route a copy of the order messages to the web server for processing by the report processor and storage in the report database, (Col. 9, lines 55-64, [scheduler {42} routing to application server]), w/ Col. 9, lines 44-49, [records are transported to the application servers via online teleprocessing gateway]).

As per claim 14, Cathey et al discloses:

capturing an online order containing at least one product identifier and at least one product configuration submitted by an online customer, (Col. 8, lines 21-23, [the use of the AddProduct() function call makes it obvious to have a product identifier since the identifier goes inside of the AddProduct bracket], Col. 5, lines 60-67, [Entry method represents the configuration, e.g. Remote control, control mouse device, remote keypad]);

capturing click stream data generated during an online session during which the online customer submitted the online order, (Col. 3, lines 26-40, [tracking usage of each domain]); and

storing the online order and click stream data in a report database, (Col. 4, lines 33-36, [storing in usage database]).

As per claims 15, 30, Cathey et al discloses:

generating an order message incorporating the at least one product identifier and the at least one product configuration, (Col. 8, lines 21-23, [the use of the AddProduct()])

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function call makes it obvious to have a product identifier since the identifier goes inside of the AddProduct bracket], Col. 5, lines 60-67, [Entry method represents the configuration, e.g. Remote control, control mouse device, remote keypad]);

and sending the order message to a report processor for processing, (Col. 11, lines 51-57, [reports usage]).

As per claim 16, 31, Cathey et al discloses:

generating a session data message incorporating the click stream data; and sending the order message to a report processor for processing, (Col. 3, lines 26-40, [tracking usage of each domain], w/ Col. 11, lines 51-57, [reports usage]).

As per claim 17, Cathey et al discloses:

capturing a session identifier; and capturing a customer identifier, (Col. 5, lines 55-59, [unique ID for a place within a domain represents session identifier], Col. 5, lines 49-51, [consumer ID]).

As per claims 18, 33, Cathey et al discloses:

capturing click stream data associated with user input to select a product configuration; and generating and capturing a configuration identifier for each user-selected product configuration, (Col. 3, lines 26-40, [tracking usage of each domain], Col. 5, lines 60-67, "0", "1", "2" represent the configuration identifiers)).

As per claim 19, Cathey et al discloses:

capturing an online session starting/entry point; and capturing an online session ending/end point, (Col. 5, lines 55-59, [PlaceID])

As per claims 20, 34, Cathey et al discloses:

capturing an online order number, (Col. 6, lines 26-29, [AddDomain() symbolizes an order]);

capturing a session identifier during which the online order was placed by the customer, (Col. 5, lines 55-59, [unique ID for a place with a domain]);

capturing a configuration identifier of the product configuration, (Col. 5, lines 60-67, "0", "1", "2");

and capturing a product identifier, (Col. 8, lines 21-23, AddProduct() is for a product ID data element).

As per claim 29, Cathey et al discloses:

capturing a product configuration selected by an online customer, (Col. 5, lines 60-67, [entry method, e.g. Remote control, control mouse device, remote keypad]);

capturing an online order containing at least one product identifier and specifying the product configuration, (Col. 8, lines 21-23, [AddProduct () function call for Product ID data element]);

capturing click stream data generated during an online session during which the online customer submitted the online order, (Col. 3, lines 26-40, [tracking usage of each domain]);

storing the product configuration, online order and click stream data in a report database, (Col. 4, lines 33-36, [storing in a usage processing database storage]; and

generating reports related to the product configuration, online order, and click stream data, (col. 11 lines 51-57, [reports usage]).

As per claim 32, Cathey et al discloses:

capturing a session identifier; and capturing a customer identifier, (Col. 5, lines 55-59, [unique ID for a place within a domain represents session identifier], Col. 5, lines 49-51, [consumer ID]).

capturing an online session starting/entry point; and capturing an online session ending/end point, (Col. 5, lines 55-59, [PlaceID])

6. Claims 2, 6, 7, 9, 10, 22, 23, 27, 28, 36, 37, 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cathey et al (US 5,778,182), and further in view of Brandt et al (US 6,377,993).

As per claim 2, Cathey et al fails to disclose the following, however Brandt et al discloses:

wherein the session report message further comprises product identifiers having the user-selected product configuration in-inventory and in-process identified in a user-initiated online search, (Col. 4, lines 17-25, [request across Internet via query generation]).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to utilize a user-initiated online search with the motivation of allowing the user to have access to applications that are customizable.

As per claim 6, Cathey et al fails to disclose the following, however Brandt et al discloses:

wherein the report processor comprises a report log utility operable to receive the session report message and cleanse the session data therein, (Col. 19, lines 35-37, [cleanses the data]).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to cleanse the session data with the motivation of removing all unnecessary data so only data needed for reporting will be applied.

As per claim 7, Cathey et al fails to disclose the following, however Brandt et al discloses:

wherein the report processor further comprises a data collector operable to receive the cleansed session data from the report log utility and storing the session data in the report database, (Col. 19, lines 37-39, [storage in DataMarts]).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to receive the cleansed session data and store it with the motivation of keeping the cleansed data in a secure place, protected from contaminated data.

As per claims 9, 23, 37, Cathey et al fails to disclose the following, however Brandt et al discloses:

comprising a workflow manager operable to receive lead messages related to leads for contacting customers about the products, and to route a copy of the lead messages to the web server for processing by the report processor and storage in the report database/ receiving an online contact lead message containing customer data;

extracting the customer data; and storing the customer data in the report database, (col. 9, lines 34-37, [target middle-tier]).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to receive lead messages related to leads for contacting customers with the motivation of determining

As per claim 10, Cathey et al fails to disclose the following, however Brandt et al discloses:

further comprising a workflow manager operable to receive status messages related to the status of online orders, and route a copy of the status messages to the web server for processing by the report processor and storage in the report database, (Col. 24, lines 24-40, [send ARDA message to RM]).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to route a copy of the status messages to the web server for processing with the motivation of giving a user access about the status of a customer's order in a highly accessible location such as the Internet.

As per claims 22, 36, Cathey et al fails to disclose the following, however Brandt et al discloses:

extracting the session data from the session data message; and cleansing the session data, (Col. 19, lines 35-37, [cleanses the data]).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to cleanse the session data with the motivation of removing all unnecessary data so only data needed for reporting will be applied.

As per claims 27, 28, 40, 41, Cathey et al fails to disclose the following, however Brandt et al discloses:

further comprising generating a report on metrics related to the online orders/
further comprising generating a report on metrics related to the click stream data, (Col. 14, lines 5-9, [metrics infrastructure for throughput and volumes]).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to generate a report on metrics related to online orders and click stream data with the motivation of determining hardware and network growth as a result of online orders and click stream data.

7. Claims 11, 26, 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cathey et al (US 5,778,182), and further in view of Sutcliffe et al (US 6,073,105).

As per claims 11, 26, 39, Cathey et al fails to disclose the following, however Sutcliffe et al discloses:

further comprising credit messages generated by a credit processor containing customer credit and financing information being processed by the report processor and stored in the report database/capturing customer credit and financing information; generating a customer credit message containing the customer credit and financing information; and storing the customer credit and financing information in the report database, (Col. 15, lines 22-26, [CARDREJECTED message] w/ Col. 22, lines 15-18, [storing account status report in database]).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to incorporate credit and financing information with the motivation of determining if the consumer is financially able to order product specified.

8. Claims 12, 13, 21, 24, 25, 35, 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cathey et al (US 5,778,182), and further in view of Brown (US 5,794,219).

As per claim 12, Cathey et al fails to disclose the following, however Brown discloses:

further comprising dealer messages containing participating dealership information being processed by the report processor and stored in the report database, (Col. 2, lines 34-36, [dealers bidding on cars]).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to partner dealership information with the motivation of incorporating the automobile industry that dealers participate in into an on-line purchasing process.

As per claim 13, Cathey et al fails to disclose the following, however Brown discloses:

wherein the products are automotive vehicles, (Col. 2, lines 34-36, [car]).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for the products to be automotive vehicles with the motivation of incorporating the automobile industry that dealers participate in into an on-line purchasing process.

As per claims 21, 35, Cathey et al discloses:

capturing order information, (col. 3, lines 32-34, [subscriber accessing the desired title and system using that information to generate an event record]);

Cathey et al fails to disclose the following, however Brown discloses:

capturing order status; and capturing dealer action needed, (Col. 7, line 66-Col. 8, line 1, [status is "NO", and the computer notifies the bidder {dealer} that he does not have the right bidder account and therefore can not place a bid])).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to capture order status and the dealer action needed with the motivation of determining whether or not the dealer should participate in a particular product purchase.

As per claims 24, 38, Cathey et al fails to disclose the following, however Brown discloses:

capturing participating dealer information; generating a dealer message containing the participating dealer information; and storing the participating dealer information in the report database, (Col. 2, lines 34-36, [dealers bidding on cars, Col. 6, lines 3-16, [bidder registration message, bidder database]]).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to capture dealer information, generate a dealer message and store the dealer information in a database with the motivation of properly including the dealer's information in the system so dealers can readily be associated with products.

As per claim 25, Cathey et al discloses:

comprising generating a dealer report, (col. 11, lines 51-57, [reports usage where the dealer is represented by the user]).

Conclusion

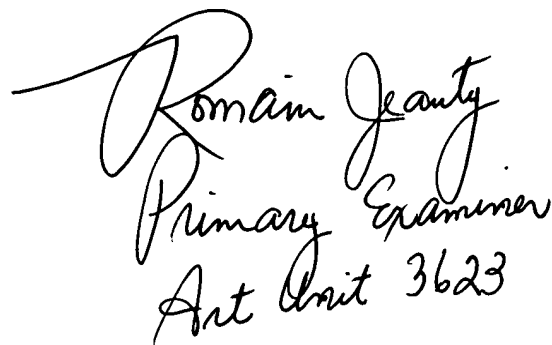
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 703-305-1340. The examiner can normally be reached on Monday-Friday 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 703-305-9643. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7238 [After final communications, labeled "Box AF"], 703-746-7239 [Official Communications], and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



A. R. B.
January 7, 2004



Romain Jeanty
Primary Examiner
Art Unit 3623